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TECH CENTER 1600/2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dean L. Rhoades

Application No.: 09/802,425

Filed: March 9, 2001

For: COMPOSITION, APPARATUS AND  
METHOD FOR SKIN REJUVENATION

Examiner: Williamson, Michael A.

Art Group: 1616

# 8

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PETITION TO MAKE SPECIAL

Assistant Commissioner  
of Patents  
Washington, D.C. 20231

Dear Sir:

Applicant hereby petitions to make the above-identified application special on the ground of potential infringement by a third party. Applicant believes there is an infringing apparatus, and a method of using an apparatus including a handle with a head portion and a porous applicator coupled to the head portion of the handle having dimensions suitable for contacting localized areas of human skin with a composition capable of abrading the skin. Applicant has made a comparison of the alleged infringing apparatus and method and believes some of the claims of the application are infringed. Applicant further believes he has a good knowledge of the prior art.

Further facts regarding the alleged infringing apparatus are available upon request.

The fee of \$130.00 is submitted herewith pursuant to 37 C.F.R. § 1.17(i). Please charge any additional fees or credit any overpayment to our deposit account no. 02-2666. A duplicate copy of the fee transmittal is enclosed herewith.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 8/8/02

By: William T. Babbitt

William Thomas Babbitt; Reg. No. 39,591

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

**CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 8, 2002.

Nedy Calderon  
Nedy Calderon

8/8/02  
Date

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AUG 13 2002  
PATENT & TRADEMARK OFFICE

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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PTO/SB/1738-00  
AUG 20 2002  
ENTER 1600/2900

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/802,425
		Filing Date	March 9, 2001
		First Named Inventor	Dermanew, Inc.
		Group Art Unit	1616
		Examiner Name	M. Williamson
Total Number of Pages in This Submission	5	Attorney Docket Number	5309P001X

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<div>Return Receipt Postcard</div>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	COPY OF PAPERS ORIGINALLY FILED	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>William T. Babbitt</i>
Date	8/8/02

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Typed or printed name	Nedy Calderon		
Signature	<i>Nedy Calderon</i>	Date	8/8/02

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 09/802,425  
Filing Date March 9, 2001  
First Named Inventor Dermanew, Inc.  
Examiner Name M. Williamson  
Group/Art Unit 1616  
Attorney Docket No. 5309P001X

## METHOD OF PAYMENT (check one)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple Dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*or number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920 *	112	920 *	Requesting publication of SIR prior to Examiner action	
113	1,840 *	113	1,840 *	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					0.00
SUBTOTAL (3)					(\$) 130.00

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 130.00

## SUBMITTED BY

Name (Print/Type) William Thomas Babbitt Registration No. 39,591 Telephone (310) 207-3800  
Signature [Signature] Date 06/14/02

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